

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

v.

AUSTEN YUFENYUY (01)

a/k/a "Ice,"

a/k/a "Iceman"

GLORIA NELSON (02)

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
SEP 24 2019
CLERK, U.S. DISTRICT COURT
By *[Signature]*

Case No.

3-19CR-484-S

INDICTMENT

The Grand Jury Charges:

At all times material to the allegations in this indictment:

Introduction

1. **Austen Yufenyuy, a/k/a "Ice," a/k/a "Iceman"** was a resident of Irving, Texas.
2. **Gloria Nelson** was a resident of Irving, Texas.
3. Victim 1 was an individual who resided in the State of Michigan. In or about January 2017, Victim 1 was in the process of purchasing a residence in Macomb, Michigan.
4. Victim 2 was a company based in Houston, Texas, in the business of providing services to parties engaged in real estate transactions. In or about January 2018, Victim 2 was engaged to provide closing and other services to parties engaged in the purchase of a residence in Houston, Texas.

5. Victim 3 was an individual who resided in the State of Texas. In or about August 2018, Victim 3 was in the process of purchasing a residence in Montgomery, Texas.

6. On or about January 3, 2017, J.B., an individual known to the Grand Jury, opened up Checking Account Number xxxxxx0671 at a Bank of America branch located in the Northern District of Texas. J.B. opened the account in her name doing business as MHB Trading.

7. On or about November 17, 2017, C.J., an individual known to the Grand Jury, opened up Checking Account No. xxxxxx0753 at a Bank of America branch located in the Northern District of Texas. C.J. opened the account in his name doing business as Seara Global Ltda.

8. On or about August 8, 2018, G.J., an individual known to the Grand Jury, opened up Checking Account No. xxxxxx3912 at a Bank of America branch located in the Northern District of Texas. G.J. opened the account in her name doing business as CR Services.

Count One
Conspiracy to Commit Wire Fraud
[Violation of 18 U.S.C. § 1349]

A. Scheme and Artifice to Defraud

9. Beginning in or about January 2017, and continuing through in or about August 2018, in the Dallas Division of the Northern District of Texas, and elsewhere, the defendants, **Austen Yufenyuy** and **Gloria Nelson** did knowingly and willfully combine, conspire, confederate and agree with each other and with persons known and unknown to the Grand Jury, to devise a scheme and artifice to defraud and to obtain money by means of false and fraudulent pretenses and representations, and material omissions, and for the purpose of executing and attempting to execute the scheme to defraud did knowingly and willfully transmit and cause to be transmitted by means of wire communication, in interstate and foreign commerce, writings, signs, signals, pictures, and sounds, in violation of 18 U.S.C. § 1343.

10. The object of the scheme was to trick individuals and businesses who were parties to real estate transactions, or engaged by the parties to the transactions, into wiring funds owed by the party or held in trust for a party into bank accounts opened and controlled by one of the defendants or by a third party acting at the direction of one of the defendants for the purpose of receiving the wired funds, and to withdraw the funds and distribute them among the conspirators.

B. Manner and Means of the Conspiracy and Scheme to Defraud

11. It was a part of the conspiracy and scheme to defraud that one or more unindicted coconspirators, using a variety of means, knowingly and without authorization gained access to e-mail accounts associated with legitimate businesses engaged by the Victims listed above to provide services to a real estate transaction in which each Victim was a party (“legitimate business parties”).

12. It was further a part of the conspiracy and scheme to defraud that the unindicted coconspirator(s), after gaining unauthorized access to an e-mail account of a legitimate business party, sent one or more e-mails to the Victim purporting to be from, but that in fact were not from, the legitimate business party. These “spoofed” e-mails contained false and fraudulent information, including false and fraudulent instructions to the Victim to wire funds he/she owed in connection with the transaction to a designated bank and bank account purportedly associated with and under the control of one of the legitimate business parties.

13. It was further a part of the conspiracy and scheme to defraud that the unindicted coconspirators sent the bank account information specified in the “spoofed” e-mails to one or both of the defendants, for the purpose of enabling the defendants to open, or to cause others to open, “drop” bank accounts to receive the fraudulent wired funds.

14. It was further a part of the conspiracy and scheme to defraud that the defendants filed and recorded, or caused other unindicted coconspirators known to the Grand Jury, to file and record assumed business names with county clerk offices in the Northern

District of Texas. The defendants, or unindicted coconspirators acting under the defendants' direction and at the defendants' instruction, recorded these assumed names for the purpose of establishing "drop" bank accounts in the assumed names to receive the funds wired by the Victims.

15. It was further a part of the conspiracy and scheme to defraud that the defendants directed and instructed other unindicted coconspirators known to the Grand Jury to establish "drop" accounts at banks located throughout the Dallas-Ft. Worth area for the purpose of receiving funds wired by the Victims.

16. It was further a part of the conspiracy and scheme to defraud that the defendants directed and instructed the unindicted coconspirators who opened the drop accounts to provide the defendants with information about the accounts, including the bank in which the account was opened, the account number, and the assumed name in which the account was opened.

17. It was further a part of the conspiracy and scheme to defraud that, after the Victims had wired the money into the drop accounts, the defendants directed and instructed the unindicted coconspirators who opened the accounts to disburse the funds in the accounts to themselves and coconspirators by several means, including cash withdrawals, cashier's checks, and wire transfers.

C. Overt Acts

18. In furtherance of the conspiracy, and to effect the objects thereof, the defendants, and others known and unknown to the Grand Jury, committed and caused to be committed the following acts in the Northern District of Texas and elsewhere:

- a. On or about January 3, 2017, defendant **Yufenyuy** sent a text message to J.B. instructing her to register the assumed business name “MHB Trading” with the Dallas County Clerk’s Office;
- b. On or about January 3, 2017, defendant **Yufenyuy** sent a text message to J.B. instructing her to open a bank account at a Bank of America branch in her name doing business as MHB Trading;
- c. On or about January 4, 2017, defendant **Yufenyuy** sent a text message to J.B. instructing J.B. to provide him with information about the Bank of America account she opened, including the bank name, account number, and name in which the account was opened;
- d. On or about January 5, 2017, an unindicted coconspirator sent a “spoofed” e-mail to Victim-1 causing him/her to wire \$244,642.62 to Bank of America account xxxxxx0671, in the name of MHB Trading;
- e. On or about January 5, 2018, defendant **Yufenyuy** sent a text message to J.B. instructing her to go to a Bank of America branch office for the purpose of withdrawing funds in the MHB Trading account and disbursing the funds to coconspirators;

- f. On or about November 15, 2017, defendant **Nelson** sent a text message to C.J. instructing him to register the assumed business name “Seara Global Ltda” with the Tarrant County Clerk’s Office;
- g. On or about November 15, 2017, defendant **Nelson** sent a text message to C.J. instructing him to open a bank account at Bank of America in his name doing business as Seara Global Ltda;
- h. On or about November 17, 2017, defendant **Nelson** sent a text message to C.J. instructing him to provide **Nelson** with information about the Bank of America account he opened, including the bank name, account number, and the name in which the account was opened;
- i. On or about January 5, 2018, an unindicted coconspirator sent a “spoofed” e-mail to Victim-2, causing him/her to wire \$144,135.15 to Bank of America account xxxxxx0753, in the name of Seara Global Ltda;
- j. On or about January 5, 2018, defendant **Nelson** sent a text message to C.J. instructing him to go to a Bank of America branch office for the purpose of withdrawing funds in the Seara Global Ltda account and disbursing the funds to coconspirators;
- k. On or about August 8, 2018, defendant **Yufenyuy** sent a text message to G.J. instructing her to register the assumed business name “CR Services” with the Dallas County Clerk’s Office;

- l. On or about August 8, 2018, defendant **Yufenyuy** sent a text message to G.J. instructing her to open a bank account at a Bank of America in her name doing business as CR Services;
- m. On or about August 8, 2018, defendant **Yufenyuy** sent a text message to G.J. instructing G.J to provide him with information about the Bank of America account she opened, including the bank name, account number, and the name in which the account was opened;
- n. On or about August 31, 2018, an unindicted coconspirator sent a “spoofed” e-mail to Victim-3, causing him/her to wire \$128,023.76 to Bank of America account xxxxxx3912, in the name of CR Services;
- o. Between September 1, 2018, and September 6, 2018, defendant **Yufenyuy** sent a text messages to G.J. instructing her to go to a Bank of America branch office for the purpose of withdrawing funds in the CR Services account and disbursing the funds to coconspirators.

All in violation of 18 U.S.C. § 1349.

A TRUE BILL

FOREPERSON

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INDICTMENT

18 U.S.C. § 1349
Conspiracy to Commit Wire Fraud

1 Count

A true bill rendered

DALLAS

FOREPERSON

Filed in open court this 24 day of September, 2019.

Defendants in Federal Custody Since 4/19/2019.


UNITED STATES MAGISTRATE JUDGE
3-19-MJ-00349-BK